

REMARKS

By this amendment, formal drawings are being submitted herewith as replacement drawing sheets, including new Figure 4 which illustrates a saddle weld.

Claims 1, 2 and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,261,647 to Venegas, Jr. et al. The Examiner bases his rejection on the similarity between Applicant's Figure 3 and Figure 5 of the '647 reference. However, the Examiner's reference to screws, sleeves, and so forth, do not define a saddle weld. Rather, to one of skill in the art, a saddle weld is a weld of the type depicted in Figure 4, wherein two tubular members are joined at right angles, with the weld associated therewith taking on a convoluted shape resembling a potato chip. Also submitted herewith is a copy of U.S. Patent No. 4,841,123, which shows an automatic welding device capable of making saddle-type welds.

Anticipation may be established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Systems, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Moreover, anticipation requires the presence of all elements of a claimed invention as arranged in the claim, such that a disclosure "that 'almost' meets that standard does not 'anticipate'." Connell v. Sears, Roebuck Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983). In this case, since the '647 reference neither teaches nor suggests a saddle weld, anticipation has not be established, and this case should be in condition for allowance.

Any questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

Respectfully submitted,

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